

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT JACKSON  
Assigned on Briefs August 1, 2023

**FILED**  
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Appellate Courts

**STATE OF TENNESSEE v. DARRIN WALKER**

**Appeal from the Criminal Court for Shelby County  
Nos. 20-02857, C2004597 Paula L. Skahan, Judge**

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**No. W2022-01643-CCA-R3-CD**

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Defendant, Darrin Walker, was indicted by a Shelby County Grand Jury for two counts of first degree murder. After a jury trial, Defendant was found guilty as charged and sentenced to concurrent life sentences. Defendant appeals, challenging the sufficiency of the evidence. Because the evidence was sufficient to support the convictions, we affirm the judgments of the trial court.

**Tenn. R. App. P. 3 Appeal as of Right; Judgments of the Criminal Court Affirmed**

TIMOTHY L. EASTER, J., delivered the opinion of the court, in which JOHN W. CAMPBELL, SR., and MATTHEW J. WILSON, JJ., joined.

Phyllis Aluko, District Public Defender; Robert Felkner, Assistant Public Defender (at trial); Tony N. Brayton, Assistant Public Defender (on appeal), for the appellant, Darrin Walker.

Jonathan Skrmetti, Attorney General and Reporter; Katherine C. Redding, Senior Assistant Attorney General; Steve Mulroy, District Attorney General; and Melissa Harris, Assistant District Attorney General, for the appellee, State of Tennessee.

**OPINION**

Defendant was indicted in September of 2020 by a Shelby County Grand Jury for his role in the February 2020 shooting deaths of 25-year-old Destiny Wilkins, and 23-year-old Nayeli Bradford Esha-Love, also known as “Courtney” or “Courky” Love.

At trial, the following proof was presented to the jury by the State. Ms. Love communicated by telephone with a cell phone number ending in 5822 on February 24, 2020. Text messages between Ms. Love's phone and the number ending in 5822 indicated that a man agreed to pay \$140 to Ms. Wilkins and Ms. Love for sexual services for thirty minutes. The text messages directed the women to come alone to meet him at an address on Gadwall Drive<sup>1</sup> in Memphis. Within minutes of arriving in Ms. Wilkins's Chevrolet Impala to the meeting location, both women had been shot multiple times.

Ms. Love's phone records indicated a telephone call with the cell phone number ending in 5822 ending at 2:43 a.m. At 2:59 a.m., a Ring camera from a home on Bethay Drive in Memphis, near the location for the meeting, captured Ms. Wilkins's car driving away. Ms. Wilkins can be heard screaming and calling for help on the video from the Ring camera. Someone in the vicinity had heard the gunshots and called 911.

Officers, including Deputy Daniel Wilson, arrived on the scene at 3:02 a.m. When he arrived, Ms. Wilkins was lying on the ground in the middle of the road near the intersection of Bethay and Belmont Run Cove. She was wearing a short, tight dress but did not have on shoes or underwear. Ms. Wilkins had been shot but was able to tell officers that she was in the driver's seat of her Chevrolet Impala and that the man and Ms. Love were in the backseat. She described the man as a 31-year-old black man but told officers that she did not know the man's name. She did not provide a more detailed description of the perpetrator.

Ms. Wilkins said that while the man and Ms. Love were sitting in the backseat of the car, the man shot Ms. Love. Ms. Wilkins was able to get out of the car quickly, but the man shot her twice before driving off with her car. Ms. Love was still in the backseat when the man took off with the car. Ms. Wilkins gave Ms. Love's phone number to police.

Ms. Wilkins was taken by emergency medical personnel to the hospital where she died from her injuries. Ms. Wilkins was shot twice: once in the arm, and once in the lower back. The bullet from her arm was recovered by hospital staff. A toxicology report revealed that Ms. Wilkins tested positive for alcohol and methamphetamine.

Ms. Wilkins's Impala was located later that morning on Lake Valley Drive, about .3 miles from Defendant's home. Surveillance video from the area showed a person parking the vehicle in the area after the shootings. The driver can be seen exiting the car, and walking in the direction of Defendant's house. The car was parked with the engine running and windshield wipers on. Ms. Love's body was in the backseat. Her cause of

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<sup>1</sup> Throughout the trial transcript, the street is referred to as both "Gadwall" and "Gadwell." We have chosen to utilize Gadwall as the spelling throughout this opinion.

death was homicide. Ms. Love had four gunshot wounds to the neck, head, and chest. She was shot twice in the front of the neck, once to the chest, and once in the head on the right side near her eye. One of the shots to her neck was shot from a close enough range to leave stippling from gunpowder. A toxicology report revealed Ms. Love was positive for both methamphetamine and marijuana.

The car was taken for processing. Though fingerprints and DNA evidence were taken from the car, forensic technicians could not conclusively match any of the samples taken from the car to Defendant. Fingernail clippings were also taken from both victims. Technicians located male DNA on some of the samples, but there was not enough to make a comparison to Defendant's DNA.

Police turned to cell phone records in order to identify the killer. Detective Chase Craven was the lead investigator on the case. He explained that Ms. Love's cell phone was initially missing, but police were able to pull records from her TextNow web-based phone number. The phone records showed communication between Ms. Love and the phone number ending in 5822 before the shootings. Phone records showed that the phone number ending in 5822 was a T-Mobile prepaid phone. James Walton was listed as the subscriber. T-Mobile does not verify the identity of the subscriber on a prepaid account.

Cell phone records for the phone number ending in 5822 were used to obtain cell tower information. From this information, police were able to identify the approximate GPS locations of the device at the time specific calls were made and/or received. The timing and locations of the cell towers placed the phone associated with the phone number ending in 5822 in the area of the murders at the time they took place.

According to text messages on Ms. Wilkins's phone, Ms. Love and Ms. Wilkins were supposed to meet the man with the phone number ending in 5822 at 4889 Gadwall Drive<sup>2</sup> around 2:30 a.m. At 2:33 a.m., the phone number ending in 5822 was connecting to a cell tower in that area. At 2:59 a.m., the victim's car was spotted by a Ring camera on Bethay Drive, about three miles away from Gadwall Drive. At 3:01 a.m., the phone number ending in 5822 was connecting to a cell tower in the Bethay Drive area. At 3:12 a.m., the phone number ending in 5822 was connecting to a cell tower back in the area near Gadwall Drive.

Police were able to look at the phone records of the phone number ending in 5822 to create a "hot number list" or a list of numbers that the phone number ending in 5822 contacted on a regular basis. Defendant's mother and girlfriend were among the top three contacts of the phone number ending in 5822 between November 2019 and February 2020.

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<sup>2</sup> Police discovered that 4889 Gadwall was not a valid address. Defendant resided at 4884 Gadwall.

The phone number ending in 5822 had a total of 2,172 incoming and outgoing calls with Defendant's girlfriend and 1,345 incoming and outgoing calls with Defendant's mother.

After identifying the people on the hot number list, officers secured a "ping" search warrant for the phone number ending in 5822. The phone company provided regular emails with the connected device's GPS location. Police were able to utilize surveillance teams and GPS pings to connect Defendant to the phone number ending in 5822.

Surveillance teams saw Defendant get into the passenger seat of a Dodge Charger at his residence. The Charger was driven by Gregory Curry. Officers followed the car containing Defendant to a gas station. Officers also matched GPS pings of the phone number ending in 5822 from Defendant's mother's home on Gadwall to a gas station.

Defendant was arrested at the gas station. He had several cell phones in his pocket at the time he was arrested. One cell phone was determined to be the device with the phone number ending in 5822. Defendant told police that it was his phone, and the phone contained numerous pictures and videos of Defendant. The phone also utilized the password, "Sky Walka," a nickname Defendant called himself. This nickname was written on a notepad found in the floorboard of the passenger seat at the time of Defendant's arrest. Mr. Curry confirmed that the number ending in 5822 belonged to Defendant.

A search of the phone with the phone number ending in 5822 found several items connecting Defendant to the murders. The phone contained a screenshot of the escort advertisement used by the victims from the morning of the murders. The listing was posted online at 1:46 a.m. The post offered a "two girl" special, listing Ms. Love's cell phone number as the contact number. The call log from the phone number ending in 5822 indicated a text message was sent to Ms. Love's phone number at 1:51 a.m. on the day of the murders. Defendant took the screenshot of the escort advertisement with the phone using the phone number ending in 5822 at 2:23 a.m.

Defendant's cell phone with the phone number ending in 5822 also contained multiple photographs and videos of Defendant, including a photograph of Defendant pointing two guns at the camera. This particular photograph was time stamped as taken on the day prior to the murders, February 23, 2020 at 8:20 a.m. One of the guns in the photograph was a revolver; the other looked like a semi-automatic pistol. The revolver in the photograph was loaded with different types of bullets, some full metal jacket or lead round nose bullets and some hollow point bullets. It appeared to be very similar to or the same revolver that was found at Defendant's home and later determined to be the murder weapon.

There were many videos on Defendant's phone of him "rapping or singing lyrics" during which he referred to himself as "Sky Walka," the same name used for the password on the phone and found on the notebook in the Dodge Charger.

Defendant's cell phone also contained text messages from his mother on the morning of the murders. Defendant's mother sent texts to Defendant on February 24, at 2:50 a.m. asking "did you find someone to take you?", followed by "[w]hy wouldn't you just let her take a cab and you pay one time one way?" at 2:54 a.m., and then "so you just going to ignore me, question mark. You're so disrespectful. What are you becoming over this girl? I can't even explain, but okay, DJ. I'm so tired. You just drain me" at 3:04 a.m.

The back of a phone was found in the floorboard of the passenger of the Dodge Charger. Detective Cravens stated that the phone back was "dirtied up, and it was on the passenger side floorboard right next to a - - a notebook with the name sky walk[a] on the top of it." The SIM card was taken out of the back cover and police were able to match the information on the card to the phone number associated with Ms. Love's missing phone.

Officers executed a search warrant at the home on Gadwall. Officers surmised that Defendant, his mother, grandmother, and uncle lived at the residence. There was mail at the home addressed to Defendant. During the search of the home, officers located a six-shot revolver, some business cards for "dancers or escort type services" that were identical to the ones found in Ms. Wilkins's car, and clothing that appeared to belong to Defendant. The revolver was found beneath a mattress in the home. It was not loaded. However, a forensic analysis confirmed that the bullet removed from Ms. Wilkins's arm was fired from the revolver found at Defendant's home. Bullets found in the Impala and in Ms. Love's body were the same caliber and had the same class characteristics as the bullet recovered from Ms. Wilkins's arm, but technicians could not conclusively determine if the bullets found in the Impala were fired from the revolver. A witness testified that all of the bullets recovered could have been fired from the same firearm.

Defendant did not introduce any proof at trial. The jury found Defendant guilty of two counts of first degree premeditated murder. Defendant was sentenced to concurrent life sentences. After the denial of a motion for new trial, Defendant filed a timely notice of appeal.

### *Analysis*

On appeal, Defendant challenges the sufficiency of the evidence. Specifically, he argues that there was not sufficient evidence to establish his identity as the perpetrator.

Defendant also suggests that the proof did not support a finding that the killings were premeditated. The State disagrees.

Well-settled principles guide this Court's review when a defendant challenges the sufficiency of the evidence. A guilty verdict removes the presumption of innocence and replaces it with a presumption of guilt. *State v. Evans*, 838 S.W.2d 185, 191 (Tenn. 1992). The burden is then shifted to the defendant on appeal to demonstrate why the evidence is insufficient to support the convictions. *State v. Tuggle*, 639 S.W.2d 913, 914 (Tenn. 1982). The relevant question the reviewing court must answer is whether any rational trier of fact could have found the accused guilty of every element of the offense beyond a reasonable doubt. See Tenn. R. App. P. 13(e); *Jackson v. Virginia*, 443 U.S. 307, 319 (1979). On appeal, "the State is entitled to the strongest legitimate view of the evidence and to all reasonable and legitimate inferences that may be drawn therefrom." *State v. Elkins*, 102 S.W.3d 578, 581 (Tenn. 2003). As such, this Court is precluded from re-weighing or reconsidering the evidence when evaluating the convicting proof. *State v. Morgan*, 929 S.W.2d 380, 383 (Tenn. Crim. App. 1996); *State v. Matthews*, 805 S.W.2d 776, 779 (Tenn. Crim. App. 1990). This Court considers all of the evidence presented at trial, even if Defendant challenges the admissibility of some of the evidence on appeal. See *State v. Thomas Bolton*, No. W2012-02000-CCA-R3-CD, 2014 WL 12653829, at \*10 (Tenn. Crim. App. Jan. 31, 2014) (citing *State v. Longstreet*, 619 S.W.2d 97, 100-01 (Tenn. 1981)), *no perm. app. filed*. Moreover, we may not substitute our own "inferences for those drawn by the trier of fact from circumstantial evidence." *Matthews*, 805 S.W.2d at 779. Further, questions concerning the credibility of the witnesses and the weight and value to be given to evidence, as well as all factual issues raised by such evidence, are resolved by the trier of fact and not the appellate courts. *State v. Pruett*, 788 S.W.2d 559, 561 (Tenn. 1990). "The standard of review 'is the same whether the conviction is based upon direct or circumstantial evidence.'" *State v. Dorantes*, 331 S.W.3d 370, 379 (Tenn. 2011) (quoting *State v. Hanson*, 279 S.W.3d 265, 275 (Tenn. 2009)).

Here, Defendant was charged with two counts of first degree murder. In relevant part, first degree murder is "[a] premeditated and intentional killing of another." T.C.A. § 39-13-202(a)(1). Tennessee Code Annotated section 39-13-202(d) (2018) defines premeditation as:

An act done after the exercise of reflection and judgment. "Premeditation" means that the intent to kill must have been formed prior to the act itself. It is not necessary that the purpose to kill preexist in the mind of the accused for any definite period of time. The mental state of the accused at the time the accused allegedly decided to kill must be carefully considered in order to determine whether the accused was sufficiently free from excitement and passion as to be capable of premeditation.

The State must establish the element of premeditation beyond a reasonable doubt. *See State v. Sims*, 45 S.W.3d 1, 7 (Tenn. 2001); *State v. Hall*, 8 S.W.3d 593, 599 (Tenn. 1999). Premeditation may be proved by circumstantial evidence. *See, e.g., State v. Brown*, 836 S.W.2d 530, 541-42 (Tenn. 1992), *overruled on other grounds by State v. Reynolds*, 635 S.W.3d 893, 917 (Tenn. 2021). The existence of premeditation is a question of fact for the jury and may be inferred from the circumstances surrounding the killing. *State v. Young*, 196 S.W.3d 85, 108 (Tenn. 2006); *State v. Suttles*, 30 S.W.3d 252, 261 (Tenn. 2000). Such circumstances include, but are not limited to, the use of a deadly weapon upon an unarmed victim, the particular cruelty of the killing, the infliction of multiple wounds, threats or declarations of an intent to kill, a lack of provocation by the victim, failure to aid or assist the victim, the procurement of a weapon, preparations before the killing for concealment of the crime, destruction and secretion of evidence of the killing, and calmness immediately after the killing. *State v. Kiser*, 284 S.W.3d 227, 268 (Tenn. 2009); *State v. Leach*, 148 S.W.3d 42, 53-54 (Tenn. 2004); *State v. Davidson*, 121 S.W.3d 600, 615 (Tenn. 2003); *State v. Bland*, 958 S.W.2d 651, 660 (Tenn. 1997); *State v. Larkin*, 443 S.W.3d 751, 815-16 (Tenn. Crim. App. 2013).

Here, the evidence, viewed in a light most favorable to the State, establishes that after an extensive investigation, Defendant was arrested with a cell phone in his pocket that contained photographs and videos of Defendant. The phone was protected with the password “Sky Walka,” Defendant’s nickname. Defendant admitted that he was the owner of the phone. Forensic evidence proved the phone was associated with a phone number ending in 5822. The “hot number” list from the phone number ending in 5822 showed frequent contact with Defendant’s girlfriend and mother. Moreover, GPS data from a “ping” search warrant linked Defendant to the phone with the phone number ending in 5822.

Text messages between the phone ending in 5822 and Ms. Love revealed an arranged meeting for sex on the morning of the victims’ deaths. The phone number ending in 5822 directed the women to a nonexistent address on the street where Defendant lived with his mother and other family members. When a search warrant was executed at Defendant’s residence, the search revealed a revolver that was used to kill at least one of the victims. Officers also found business cards offering escort services similar to the business cards that were found in Ms. Wilkins’s car. GPS data from the phone with the number ending in 5822 placed the phone, and presumably Defendant, in the vicinity of the murders at the time they took place including in the location where Ms. Wilkins was found shot in the street, and in the location where Ms. Love was found deceased inside the car.

Surveillance video from the area captured Ms. Wilkins’s car in the area where the murders took place and the car was later found parked with the engine running with Ms.

Love's deceased body in the backseat. The driver of the car, though not clearly identifiable, can be seen on surveillance video exiting the vehicle and walking in the direction of Defendant's house.

Defendant's phone contained a picture of him holding a very similar, if not the same, weapon that was used to kill the victims. The picture was taken one day prior to the murders. In the picture, the revolver contains bullets consistent with the bullets used to kill the victims, a mixture of hollow point, full metal jacket, and lead round nose bullets.

When Defendant was arrested, he was riding in a car that contained the back part of a cell phone later identified as the phone belonging to Ms. Love. The back part of the phone was in the floorboard where Defendant was the passenger and was lying next to a notebook with Defendant's nickname on the cover.

Ms. Wilkins was able to describe Defendant as a 31-year-old black male, a description consistent with Defendant, who is a younger black male.

While the evidence is largely circumstantial, we hold that the evidence not only supports that Defendant was the perpetrator of the offenses, but supports the conclusion that the killings were premeditated. *See* T.C.A. § 39-13-202(d). The phone number ending in 5822, Defendant's phone number, arranged to meet the victims for sexual services, confirming that they would be alone in two separate text messages to Ms. Love's phone number. He instructed them to meet him at a fake address near his home. Defendant shot one of the victims multiple times inside the car, and shot the other victim multiple times in the street, leaving her there to die, while moving the car containing the other victim's body to another location nearby. Both of the victims were unarmed when they were shot and at least one of the shots was fired from a close range. Defendant was found in possession of a partially destroyed phone that belonged to one of the victims. The murder weapon was found at Defendant's house.

Taking all of the evidence together, we determine that the evidence is sufficient to support the convictions for first degree murder. Defendant is not entitled to relief.

*Conclusion*

For the foregoing reasons, the judgments of the trial court are affirmed.

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TIMOTHY L. EASTER, JUDGE